

Notice of Allowability	Application No.	Applicant(s)	
	09/505,678	STALLMAN ET AL.	
	Examiner	Art Unit	
	Cameron Saadat	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 3/24/2004.
2. ☐ The allowed claim(s) is/are 39,41-43,45,46 and 49-51.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 5/25/04.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Matthew A. Pequignot on May 26, 2004.

The application has been amended as follows:

In the Claims:

Claims 1-38 (Cancelled)

Claims 47-48 (Cancelled)

Claim 39: line 1, insert --weapon-- before "information"
line 2, replace "apparatus" with --system--
line 20, replace "weapon mounted cursor control device, said weapon cursor"
with --weapon mounted cursor control device mounted on said weapon, said
weapon mounted cursor--
line 37, replace "said user interface;" with -- said first software interface;--

Claim 43: line 1, insert --weapon-- before "information"
line 2, replace "apparatus" with --system--
line 24, replace "weapon mounted cursor control device, said weapon cursor"
with --weapon mounted cursor control device mounted on said weapon, said
weapon mounted cursor--
line 56, replace "said user interface;" with -- said first software interface;--

Drawings

New formal drawings are required in this application. In addition, the drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because reference sign (13) mentioned in the description (at least on P.11, line 17) is not shown in the drawings. Also, Figure 6a should

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be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application.

REASONS FOR ALLOWANCE

Independent claims 39 and 43 and their respective dependent claims 41-42, 45-46, and 49-51 are allowed. The following is an examiner's statement of reasons for allowance: The prior art of record fails to teach the specific combination of elements as claimed. In particular the prior art fails to teach *inter alia* a portable, wearable apparatus for providing situational awareness in armed conflict conditions, comprising a weapon communicably connected to a computer, and having a trigger for firing the weapon; said weapon having a grip for handling the weapon, said grip located adjacent the trigger, said weapon having a barrel including a bore, said bore having an axis extending longitudinally therethrough; the weapon further comprising a cursor control device mounted on said weapon for controlling a software interface, *said weapon cursor control device comprising a control mechanism for positioning a cursor, wherein the control mechanism is located on a rear facing portion of said grip such that both a right and left handed user can access the control mechanism employing a thumb while maintaining contact with the trigger with a finger;* and an actuating mechanism for performing control, selection, and action functions in the software interface; and wherein the weapon mounted cursor control device is communicably connected to a first software interface for providing a click-and-carry method of cursor control including a cursor and graphical icons, *said click-and-carry method comprising in sequence: orienting the cursor at a first location proximal a graphical icon displayed on the interface; depressing the actuating mechanism to select the graphical icon; releasing the actuating mechanism; orienting the cursor at a second location physically separate from the first location; depressing the actuating mechanism to release the graphical icon at the second location.*

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

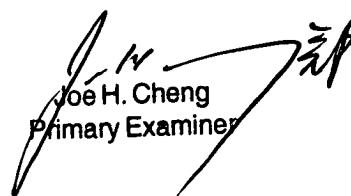
- Turley et al. (USPN 5,831,198) – disclose a Land Warrior System comprising a weapon and a computer control device.
- Gross (USPN 5,914,661) – discloses a Land Warrior System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is 703-305-5490. The examiner can normally be reached on M-F 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Derris Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

CS


Joe H. Cheng
Primary Examiner